Criminal Misc. No. 16380 M of 2006

Rishi Arora versus State of Punjab and others

Present : Mr. G.S.Sandhawalia, Advocate for the petitioner

Mr. Rajiv Vij, Advocate for the respondents

Mr. G.S.Bhandari, DAG Punjab

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This is a petition against the order dated 20.02.2006 (copy Annexure P-6) of Judicial Magistrate Ist Class, Jalandhar whereby request of the present petitioner for clubbing his complaint which was cross-version with the State case or hearing both these two cases together was declined.

It comes out that police had registered a case FIR No. 153 dated 8.10.1997 under Sections 323, 324, 452, 34 Indian Penal Code at Police Station Division No.3, Jalandhar as against the present petitioner and some others. After investigation, the challan in that case was presented, charges were framed in the year 2001 and trial started. Then present petitioner filed a complaint (copy Annexure P-2) in the year 2005 in which accused-respondents were summoned. Thereafter, an application for clubbing this complaint with the State case was made before the Magistrate which was declined vide order dated 20.02.2006.

On behalf of the accused-respondents, it is stated that trial in the State case was almost over and it was fixed for arguments when this application for clubbing or hearing the State case and complaint case together was filed.

Counsel for petitioner relies upon a judgment of this Court reported in **2005 (2) R.C.R. (Crl.) 527 Phool Singh vs. State of Haryana and others** and argues that in the facts and circumstances of the case, the order of the Magistrate is liable to be set-aside.

It is further argued by counsel for the petitioner from para No.7 of the complaint that the accused-respondents are related to him and present petitioner did not lodge any FIR as against the accused-respondents or did not file any complaint as there was talk of compromise.

The complaint (copy Annexure P2) is stated to be filed in the year 2005. It appears that immediately after filing of the present complaint, an application under Section 210 Cr.P.C. was made by the present petitioner which was declined by the Magistrate in May,2005 itself.

When the present petitioner did not file the complaint for about eight years after the occurrence and filed it only when the other case, in which the FIR was registered, was almost complete and was fixed for arguments, I am of the view that Magistrate was justified in declining the request of the petitioner for clubbing the complaint with the State case.

Under these circumstances, the present petition is dismissed.

Disposed of.

November 23, 2006 **(M.M.Aggarwal)**
'ravinder' **Judge**